

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Estt. – PRED – Sri R. Apala Naidu, Dy.EE PR (Retd.) – Committed irregularities in construction of Housing Colonies of Maduturu, Valupugondapalem (V), Visakhapatnam District while working as Deputy Executive Engineer (Housing), Narsipatnam – Imposed penalty of stoppage of 3 increments without cumulative effect besides recovery of Rs.3,16,195/- - Appeal filed – Further action dropped for recovery of Rs.3,16,195/- – Orders - Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (ESTT.III) DEPARTMENT

G.O.Rt.No. 488

Dated:22-03-2012.
Read the following:-

1. Engineer-in-Chief, PR Office Proceedings No.C6/50287/87, Dated: 12.4.1993.
2. G.O.Rt.No.1233, PR&RD (Estt.III) Department, Dt:18.8.1998.
3. Orders of Hon'ble High Court of AP Dated:18.3.2005 in W.P.No.2050/2005.
4. Engineer-in-Chief, PR, Hyderabad Office Letter No. Vig.III(4)/50287/1987, Dt.17.7.2005 addressed to the MD, APSHCL, Hyd.
5. Orders dated:20.10.2011 of Hon'ble APAT in O.A.No. 8315/2011 filed by Sri R. Appala Naidu, Dy.EE, PR (Retd.).
6. Lr.Rc.No.A7/10592/2001, Dt. 19.11.2011 of the Managing Director, AP State Housing Corporation Limited, Hyderabad
7. Govt. Memo No.18863/Estt.III/A1/2005-10, Dt.14.12.2011.
8. From Sri R. Appala Naidu, Dy.EE, PR (Retd.), Representation Dt.23.12.2011.

ORDER:-

In the proceedings 1st read above, the Engineer-in-Chief, PR, Hyderabad issued orders imposing the penalty of stoppage of three increments without cumulative effects besides recovery of Rs.3,16,195/- on Sri R. Appala Naidu, Deputy Executive Engineer, PR and now retired, for the irregularities, in construction of housing colonies committed by him, while he was working in the Andhra Pradesh State Housing Corporation on deputation as Deputy Executive Engineer (H), Narsipatnam.

2. Sri R. Appala Naidu, Deputy Executive Engineer, PR has filed an appeal against the penalty imposed on him and in the G.O. 2nd read above, Government have considered the appeal and issued orders rejecting the same. Challenging the Government Order, Sri R. Appala Naidu, Deputy Executive Engineer, PR filed O.A.No.7383/1998 before the Hon'ble Andhra Pradesh Administrative Tribunal and the Hon'ble Tribunal dismissed the said O.A. Challenging the orders of the Hon'ble Andhra Pradesh Administrative Tribunal, the individual has filed W.P.No.2050/2005 before the Hon'ble High Court of Andhra Pradesh. The Hon'ble High Court, in its orders dt.18.3.2005 in W.P.No.2050/2005, has passed the following orders:-

"Accordingly, the order is set aside to the extent of recovery of the amount and the matter is remitted back to the Government for fresh consideration and the Government shall issue notice to the petitioner as well as to the A.P. State Housing Corporation and assess the loss, if any, caused in accordance with the Rules after giving appropriate opportunity to the petitioner and pass appropriate orders. This exercise shall be done within a period of three months from the date of receipt of a copy of this order."

3. Sri R. Appala Naidu, Deputy Executive Engineer, PR (Retd.) has submitted a representation dated: 6.6.2005, requesting the Government to issue final orders as per the orders of the Hon'ble High Court.

4. Government have called for the remarks and records from the Engineer-in-Chief, PR, Hyderabad and the Andhra Pradesh State Housing Corporation, for passing suitable orders in the matter.

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5. The Hon'ble Andhra Pradesh Administrative Tribunal, in its orders dt. 20.10.2011 in OA No. 8315/2011 filed by Sri R. Appala Naidu, Deputy Executive Engineer, PR (Retd.), has directed the Government to pass appropriate orders on the appeal petition filed by Sri R.Appala Naidu, Deputy Executive Engineer, PR (Retd.), keeping in view of the orders of the Hon'ble High Court passed in W.P.No. 2050/2005 within a period of three weeks from the date of receipt of a copy of this order, otherwise to release all the pensionary benefits to him.

6. The Managing Director, Andhra Pradesh State Housing Corporation Limited, in his letter 6th read above, has furnished the reports of the Project Director (H), Narsipatnam and of Deputy Executive Engineer (H), Narsipatnam Division, for taking further action in the matter. The Deputy Executive Engineer (H), Narsipatnam has reported that except 262 houses at Santhapalem & Vijayaramapuram, the other houses in the remaining five colonies have been completed and by and large occupied. The houses in Santhapalem and Vijayaramapuram colony have not been occupied by the beneficiaries and they have put their huts by the side of the houses and staying in the huts. He has further stated that it is not desirable and possible for him to assess the actual loss exposed to the Housing Corporation by the delinquent officer after lapse of 20 years.

7. Government have observed from the report of the Managing Director, Andhra Pradesh State Housing Corporation that the quality of the 262 houses in Santhapalem and Vijayaramapuram was definitely of low quality at the time of construction itself, otherwise beneficiaries would not be putting up huts by the side of the houses constructed for them and staying in the huts. At the present juncture, as mentioned by the Deputy Executive Engineer (Housing), Narsipatnam, it may not be possible to correctly assess the misappropriation made by Sri R. Appala Naidu, the then Deputy Executive Engineer (Housing) in charge of the construction of the colony, but the calculation made at the time of framing charges for recovery of Rs.3,16,195/- as a loss to Government due to lack of proper supervision resulting in low quality of work does not appear very unrealistic. However, Government have observed that sanction of pension and other retirement benefits have been delayed by 15 years and the delinquent officer would have suffered in terms of mental agony and financial hardship during the same period. The delinquent officer has been punished already with stoppage of 3 increments without cumulative effect.

8. Government have, therefore, after taking into consideration all the facts, have decided to drop further action of recovery of Rs.3,16,195/- against Sri R. Appala Naidu, the then Deputy Executive Engineer (Housing) and now retired, in this matter.

9. Accordingly, Government hereby drop further action of recovery of Rs.3,16,195/- against Sri R. Appala Naidu, the then Deputy Executive Engineer (Housing) and now retired, in this matter.

10. The Engineer-in-Chief, PR, Hyderabad shall take further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

C.R. BISWAL

PRINCIPAL SECRETARY TO GOVERNMENT (PR)

To

Sri R. Appala Naidu, Deputy Executive Engineer, PR (Retd.) through the Engineer-in-Chief, PR, Hyderabad.

The Engineer-in-Chief, PR, Hyderabad.

Copy to:

The Managing Director, Andhra Pradesh State Housing Corporation Limited, Hyd.

The Government Pleader for PR&RD, Andhra Pradesh Administrative Tribunal, Hyderabad w.r.t. C.A.No.282/2012 in O.A.No.8315/2011.

The Accountant General, A.P., Hyderabad.

SF/SC.

//FORWARDED BY ORDER//

SECTION OFFICER